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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,206	07/06/2001	Takahiro Koga	01750027AA	3583

30743 7590 04/02/2007
WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

BOVEJA, NAMRATA

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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04/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/899,206

Applicant(s)

KOGA ET AL.

Examiner

Namrata Boveja

Art Unit

3622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
SEE CONTINUATION SHEET.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


RETTA YEHEGA
PRIMARY EXAMINER

The Applicant arguments in reference to the Final Office Action are not persuasive.

Since the Applicant has cancelled claims 14, 20, and 30, the 112, 102, and 103 rejections pertaining to those claims are removed. The previously made 102 and 103 rejections are maintained for the remaining claims.

In reference to the 102 and 103 rejections, the Applicant argues that Bendelli's set top box and decoder do not store customer information data representing attributes of the customer, while the Applicant agrees that Bendelli's set top box does teach storing URL's the browser was commanded to visit or that were extracted (Applicants Arguments pages 14 and 15). The applicant is therefore arguing that the customer information data representing attributes of a customer does not include URL's that were requested by the customer. The Applicant respectfully disagrees with the Applicant. First of all, Applicant's specification on Pages 41, lines 3-18, does not define the term attribute, but instead gives examples of customer information such as name, gender, etc. These examples are not an encompassing list of customer information, and customer information can include what a customer does, (i.e. what websites the customer visits). To illustrate that customer information can be defined to include data such as what websites a customer visits, the Examiner invites the Applicant to look at Glommen et al. Patent No. 6,776,370 where the abstract states, "For every website page requested by a website visitor, the state of the visitor's browser is recorded and data relating to the path visitors take through the website is collected and studied." Additionally, Cerrato Patent No. 7,092,926 teaches collecting click stream data such as the websites visited by a user to identify users who may be using the same computer terminal in column 4, lines 50-66. Therefore, data regarding websites visited by a user is a type of customer identification attribute data, since it's attributed to a specific customer for the purpose of identifying that customer.

Next, the Applicant argues that Bendellini does not have the structure disclosed by the Applicant for performing the function of storing customer information. The Examiner respectfully disagrees, since with regards to this, first of all the preamble in claim 1 states an information providing means having means for storing customer information data, and this is a very broad claim, and the set top box in Bendinelli or any processor can fit this requirement of an information providing means for storing customer information data, i.e. websites visited by the customer. Furthermore, in the Applicant's figure 5, it is illustrated that the user terminal can receive an input by a remote control, and in a set top box, you can receive input, (i.e. a channel selection), entered in by the user through the use of a remote control. Therefore, the set top box is capable of receiving input and storing customer information, and meets the functional and structural requirements of the Applicant's claimed invention.

Additionally, the Applicant argues that Bendellini's set top box and decoder do not generate any customer-specific advertisement that is based on a customer information data representing attributes of a customer. The Examiner respectfully disagrees and would like to point the Applicant to column 2 lines 1-5, column 4 lines 45-67, and column 5 lines 50-54, since based on a user selected URL data that a user selects for continuous display, an advertised webpage of a particular interest to the user can be shown for a longer time or for a continuous display. Therefore a customer specific advertisement based on customer information data (i.e. selected URL for continuous display) is generated.

The Applicant further argues that Bendellini's set top box and decoder do not transmit any customer specific advertisement based on, or to a destination based on, a destination address or customer address corresponding to said customer, since none of the outputs from the set top box or the decoder have a communication address. The Examiner respectfully disagrees and would point to column 2 lines 24-30 and column 6 lines 31-39 which disclose that when a tuner card is used, the television picture is displayed in one window on the computer and the URL and webpage are displayed in another window, and therefore, the set top box would need to have the communication address of the computer on which to show this information on in different windows. Even in general, when a person watches a pay per view movie from a set top box, the cable company needs to know the destination address where this programming will be sent, so Bendinelli's set top box can provide the destination address where the video should be sent and the set top box can provide the address of a computer where the information can be displayed.

The Examiner is not sure what the Applicant is referring to on page 20 of his arguments regarding a shift in position for the first information transfer path. To clarify, the Examiner would like to state that a first and second information transfer paths could include things such as a satellite receiver, cable network, an antenna, a television, a computer, and a set top box, since these devices allow for the transfer of information. The two information paths can also be interpreted as a first path from the cable company's network to the set top box and the second path can be from the set top box to the television or computer.

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